

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

DAVID GOLDSTEIN, the natural son *
and Executor of the Estate of *
LESTER GOLDSTEIN, *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 12-116V

Special Master Christian J. Moran

Filed: July 3, 2013

Attorneys' fees and costs; stipulation of
fact; award in the amount to which
respondent does not object

Thomas P. Gallagher, Gallagher & Gallagher, Somers Point, NJ, for Petitioner;
Justine E. Daigneault, United States Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On July 1, 2013, respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Mr. Goldstein filed an application for attorneys' fees and costs ("Application") on June 24, 2013. Upon review of petitioner's Application, respondent raised objections to certain items. Based on subsequent discussions, Mr. Goldstein amended his application to request at total of \$35,548.09, an amount to which respondent does not object. The Court awards this amount.

On February 21, 2012, Mr. Goldstein filed a petition for compensation alleging that his father was injured and died from the trivalent influenza ("flu") vaccine he received on October 11, 2010. Mr. Goldstein received compensation based upon the parties' stipulation. Decision, filed April 22, 2013. Because Mr. Goldstein received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Mr. Goldstein seeks a total of **\$35,338.09** in attorneys' fees and costs for his counsel. Additionally, in compliance with General Order No. 9, Mr. Goldstein states that he incurred a

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

total of **\$210.00** in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

- A. **A lump sum of \$35,338.09 in the form of a check made payable to petitioner and petitioner's attorney, Thomas P. Gallagher, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- B. **A lump sum of \$210.00 in the form of a check made payable to petitioner, David Goldstein, for petitioner's out-of-pocket litigation expenses.**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.